

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ADELPHIA RECOVERY TRUST,)
)
) Plaintiffs,) No. 05 Civ. 9050 (LMM)
)
) vs.)
)
) BANK OF AMERICA, N.A., *et al.*,)
)
) Defendants.)
)
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NOTICE OF MOTION FOR RECONSIDERATION

PLEASE TAKE NOTICE that, upon the annexed declaration of William T. Russell, Jr., sworn to on May 5, 2009, the exhibit provided therewith, and the accompanying memorandum of law, the undersigned Bank Defendants hereby move that this Court reconsider this Court's April 21, 2009 Memorandum and Order, overruling Bank Defendants' objection to an order of February 11, 2009 of Magistrate Judge Ellis, which denied Bank Defendants' motion to compel the Adelpia Recovery Trust ("Plaintiffs") to produce all testifying expert materials from the related action styled *Adelpia Commc'ns Corp. v. Deloitte & Touche, LLP*, No. 000598 (Pa. Ct. Comm. Pl., Phil. Co. November Term 2002) (the "Deloitte Action") that had been actually produced to a party opponent in the Deloitte Action but which Plaintiffs were refusing to provide to the Bank Defendants.

The hearing on the motion will be at a time to be determined by the Court before the Honorable Lawrence M. McKenna at Courtroom 15D of the United States Courthouse, 500 Pearl Street, New York, New York.

Dated: New York, New York
May 5, 2009

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